

Section 4.9.40 - ACCESSORY DWELLING UNITS IN THE RS-1, RS-3.5, RS-5, RS-6, RS-9, AND RS-9(U) ZONES

Accessory Dwelling Units (ADUs) constructed between March 14, 1996, and April 30, 1998, in accordance with Code provisions in effect at that time shall be recognized as legal conforming Uses and structures. ADUs constructed after April 30, 1998, shall be recognized as legal conforming Uses and structures if they were constructed in accordance with standards in this Section. To be considered legal conforming Uses and structures, ADUs also shall be constructed with applicable Building Permits and follow established City procedures.

In addition to complying with the specific requirements of the zone, ADUs are subject to special development provisions. The developer can choose to develop the ADU in accordance with the Ministerial Development Option or the General Development Option listed below.

4.9.40.01 - Ministerial Development Option -

Accessory Dwelling Units, hereafter called ADUs, under this option shall meet the following standards:

- a.** The owner of the lot shall occupy either the primary residence or the ADU;
- b.** Provisions made for drainage, water, and sewage waste shall meet City and Building Code standards;
- c.** The ADU shall meet all applicable City codes, such as requirements for setback standards for the primary residence, height standards, Building Code provisions, etc;
- d.** The lot requirements, such as lot width, lot depth, etc., on which the primary residence and the ADU are located shall be met;
- e.** The ADU shall be architecturally integrated with the primary dwelling unit through the use of the following:
 1. Roofs - New roofs shall be similar to those on the primary structure in the pitch of roof, +/- 10 degrees, and width of roof overhang, +/- 20 percent. Roof materials shall be the same as on the primary residence. Where multiple roof pitches are proposed, roof pitch compliance can also be met if the majority of roof area meets the above standard and the remaining area has a slope of 4:12 or greater;
 2. Building Materials for Exterior Walls - New walls shall be constructed of the same materials and in the same pattern as exist on the primary residence;

3. Window Appearance - New windows shall be the same size and type, and with the same window trim, as exist on the majority of all windows on the primary residence. This provision can be waived to accommodate the following:
 - a) The View Windows criterion listed below; or
 - b) The window is interior to the lot but its size, type, and trim match any minority window on the primary residence.
 4. View Windows - Second-story windows facing the nearest side yard shall use opaque glass or, if clear glass, the bottom of the window shall be five ft. or more above floor elevation. This provision does not apply when the windows face an abutting garage or building wall where no windows exist;
 5. Color - ADUs shall have the same color of siding, trim, and roof as exists on the primary structure; and
 6. Balconies - Balconies on the second floor or higher are permitted only if outside a setback area and facing the nearest side yard. This provision does not apply when the balcony faces an abutting garage.
- f. The ADU shall not exceed either 40 percent of the gross floor area of the primary structure, exclusive of garages, or the gross floor area of a two-car garage which is 480 sq. ft., whichever is greater; but in no case shall the ADU exceed 900 sq. ft.;
 - g. **Entrance Door** - The primary entrance door to a detached ADU shall be located five ft. or more toward the interior of the lot from the abutting side yard setback lines. The extra five-ft. setback is not required when an existing or created screen is located between the ADU and the property line. The screen needs to be at least 80 percent opaque to a height of at least six ft. with the intent of interrupting a line of sight toward the first-floor windows and toward the yard area on abutting properties;
 - h. **Walkways** - Walkways to the primary entrance door of an ADU shall maintain at least a five-ft. separation from the side property line. This provision does not apply if an existing or proposed screen is located between the ADU and the property line. The screen shall be at least 80 percent opaque to a height of at least six ft. to interrupt a line of sight toward the first-floor windows and toward the yard area on abutting properties;
 - i. If the parking requirement for the primary dwelling unit is met, no additional off-street parking needs to be provided for the ADU. However, should off-street parking be provided, the parking area shall not be located within any required front or side yard;

- j. A garage may be converted to an ADU if the off-street parking requirement for the primary dwelling unit is met and the structure conforms to all required setbacks of the primary residence;
- k. In the RS-1, RS-3.5 and RS-5 Zones, the minimum lot area to establish an ADU shall be 8,000 and 6,000 sq. ft, respectively;
- l. In the RS-6, RS-9, and RS-9(U) Zones, the minimum lot area to establish an ADU shall be 3,500 sq ft. for a detached unit and 2,500 sq. ft. for an attached unit;
- m. Prior to issuance of a Building Permit for an ADU, the City shall require that a deed restriction be recorded on the property. The deed restriction shall state that, as a condition for the issuance of the Building Permit for the ADU, the property owner must reside on the premise or the ADU may not be used as a residence; and
- n. Only one ADU shall be allowed on a lot or contiguous lots under one ownership.

4.9.40.02 - General Development Option -

Accessory Dwelling Units under this option shall meet the following standards.

- a. **Purpose** - This option is intended to minimize compatibility concerns related to ADUs with respect to architecture, window design, primary entry door location and the related walkway to this door, while facilitating the development of ADUs. The following provisions implement related Comprehensive Plan policies.
- b. **Procedures** - When an ADU development application is filed using the General Development Option, it shall be reviewed in accordance with the procedures specified in Chapter 2.13 - Plan Compatibility Review. However, the criteria for review shall be those specified in "c," below.
- c. **Review Criteria** - In addition to complying with the specific requirements of the zone, ADUs are subject to the following provisions:
 - 1. The owner of the lot must occupy either the primary residence or the ADU;
 - 2. Adequate provisions shall be made for drainage, water, and sewage waste;

3. The ADU shall meet all applicable City codes, such as setback standards for the primary residence, height standards, Building Code provisions, etc.;
4. The lot requirements, such as lot width, lot depth, etc., on which the primary residence and the ADU are located shall be met;
5. The ADU shall be architecturally integrated with the primary dwelling unit through the use of the following:
 - a) Roofs - New roofs shall be similar in pitch, overhang, and materials to that of the primary residence;
 - b) Building Materials for Exterior Walls - New walls shall be constructed of materials and patterns similar in appearance to those on the primary residence;
 - c) Windows - New windows and window trim shall be similar in appearance to those on the primary residence unless variations are needed to protect the privacy of abutting properties; and
 - d) Color - ADUs shall have the similar color of siding, trim, and roof as exists on the primary structure.
6. The ADU shall not exceed either 40 percent of the gross floor area of the primary dwelling unit, exclusive of garages, or the gross floor area of a two-car garage which is 480 sq. ft., whichever is greater; but in no case shall the ADU exceed 900 sq. ft.;
7. The entrance to the ADU shall be oriented or appropriately buffered to protect the privacy of, and otherwise minimize impacts to, adjacent properties;
8. If the parking requirement for the primary dwelling unit is met, no additional off-street parking needs to be provided for the ADU. However, should off-street parking be provided, the parking area shall not be located within any required front or side yard;
9. A garage may be converted to an ADU provided that the off-street parking requirement for the primary dwelling unit is met and the structure conforms to all required setbacks of the primary residence;
10. In the RS-6 Zone, the minimum lot area to establish an ADU shall be 6,500 sq. ft.;

11. In the RS-9 and RS-9(U) zones, the minimum lot area to establish an ADU shall be 5,000 sq. ft.;
12. Prior to issuance of a Building Permit for an ADU, the City shall require that a deed restriction be recorded on the property. The deed restriction shall state that, as a condition for the issuance of the Building Permit for the ADU, the property owner must reside on the premise or the ADU may not be used as a residence; and
13. Only one ADU shall be allowed on a lot or contiguous lots under one ownership.